

Electronically filed on 19 January 2011

Customer No.: 20462

Attorney Docket No.: PU60404

Confirmation No.: 9920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mc Allister et al.

19 January 2011

Serial No.: 10/565,462

Group Art Unit No.: 1615

Filed: 20 January 2006

Examiner: Tran, S.

For: PHARMACEUTICAL FORMULATION

Commissioner for Patents

P.O. Box 1450

Arlington, VA 22313-1450

Filing of an Information Disclosure Statement under 37 C.F.R. §1.97(d), and
Statement under 37 C.F.R. §1.97(e) with Fee.

Sir:

Information Disclosure Statement. The attached list of citations on PTO Form 1449 is being submitted under the provisions of 37 CFR §1.56 and §1.97 for consideration by the United States Patent and Trademark Office, prior to the granting of this patent. Their inclusion herein should not, however, be construed as an admission that any particular cited document is effective prior art or that it discloses or renders obvious any aspect of the claimed invention. Copies of each are enclosed, except U.S. patent documents, and those documents already part of the filewrapper. This information disclosure statement is being filed **after** a Final Action under 37 CFR §1.113, or a Notice of Allowance under 37 CFR §1.311, but before, or simultaneously with, the payment of the issue fee. In accordance with the requirements of 37 C.F.R. §1.97(d), this information disclosure statement is being filed with a Statement as specified in 37 C.F.R. §1.97(e).

The Office is authorized to charge the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 19-2570.

Statement Under 37 C.F.R. §1.97(e) The undersigned hereby states:

☒ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. §1.97(e)(1). **or**

☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

Note: M.P.E.P. § 609.04(b)(V) – An information disclosure statement may include two lists and two statements,, in situations where some of the information listed was cited in a communication from a foreign patent office not more than 3 months prior to filing the statement and some was not, but was not known more than 3 months prior to filing the statement.

From Inpadoc searches it is noted that EP 0086093 and US 4,483,846 are believed to be English equivalents of JP –A-58-134019; EP 077660 and US 5,861,173 are English equivalents to JP-A-09-143073; and US 4,892,741 is an English Equivalent to JP-A-090183728.

Please charge any additional fees under 37 C.F.R. §1.16 or §1.17 which may be required by this paper, or credit any overpayment, to the indicated Deposit Account.

Respectfully submitted,

/ Dara L Dinner/
Dara L Dinner
Attorney for Applicants
Registration No. 33,680

GLAXOSMITHKLINE
Global Patents - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5017
Facsimile (610) 270-5090